

REMARKS

Claims 1-29 and 32 have been rejected and are pending. Reconsideration is requested.

Claim Rejections – 35 USC § 102

The Examiner has rejected claim 21 under 35 U.S.C. 112 stating that it is unclear how matter or energy can be generated. Applicant has amended this claim to state that matter or energy is delivered, not generated.

Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claim 32 under 35 U.S.C. 103(a) as being unpatentable over Ritchey (US 5,310,794) in view of Lyons (US 6,181,343). This rejection is respectfully traversed and reconsideration is requested.

“To establish a prima facie case of obviousness, . . . the prior art reference (or references when combined) must teach or suggest all the claim limitations.” M.P.E.P. 2142. This requirement is not met. Claim 32 is directed to a modular, interactive environment that can be assembled in different configurations. This is not taught by either reference, nor has the Examiner contended otherwise.

The Examiner also admits that Ritchey does not change the display in Figure 32 based on interaction between the user and the environment, as also required by claim 32. The Examiner urges that this deficiency is overcome by Lyons. However, “[t]o establish a prima facie case of obviousness, . . . there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” M.P.E.P. 2142. Further, “[t]he teaching or suggestion to make the claimed combination . . . must . . . be found in the prior art, and not based on applicant's disclosure.” These requirements are also not met.

The Examiner urges that Lyons demonstrates that it would have been obvious to have modified the display units in Ritchey to incorporate the SBIP of Lyons “in order to omit the need for the HDM of Ritchey” so that the user can “step into the display assembly of Ritchey without having to wear additional hardware.” Office Action at p. 5. However, the Examiner is mistaken in the statement that “the head mounted display [is] worn by the viewer/operator within the

assembly.” Office Action at p. 4. To the contrary, the large display system that is shown in FIG. 32 is described in Ritchey as an “alternate arrangement.” Col. 7, lines 1-4. The head mounted display is not used within the assembly. Indeed, it would be nonsensical to combine the two embodiments. If the image that is displayed by the display wall in FIG. 32 changed in response to head movement, as is done with the alternate head mounted display embodiment in Ritchey, it would present the user with a highly unrealistic environment – exactly opposite of what claim 32 requires. There is simply no motivation in the cited prior art to modify Ritchey as urged by the Examiner.

The Examiner has rejected claims 1-23 and 29 under 35 U.S.C. 103(a) as being unpatentable over Ritchey in view of Ohshima et al. (U.S. 2003/0032484) and Lyons. This rejection is respectfully traversed and reconsideration is requested.

“To establish a prima facie case of obviousness, . . . the prior art reference (or references when combined) must teach or suggest all the claim limitations.” M.P.E.P. 2142. This requirement is not met.

Claim 1 is directed to an interactive environment that is partially real and partially simulated. The partially real portion must include a real object that cooperates with a structure in which an individual may take steps. This feature is not disclosed by any of these references, either alone or in combination.

Ohshima et al. does integrate a real object with a virtual image. However, it does so only in the virtual world – on a head-mounted display. *See* ¶ 103. The real object is no longer part of the viewed scene, as required by claim 1. In many ways, Ohshima et al. is opposite of what is claimed. It integrates an image of a real object into a displayed scene. It does not integrate a displayed image into a real scene having a real object. Plainly, neither Ritchey nor Lyons make up for this deficiency.

“To establish a prima facie case of obviousness, . . . there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” Not only would the combination of Ritchey, Ohshima et al. and Lyons fail to produce the claimed

invention, but there was no motivation for displaying the virtual and real object images that were produced by Ohshima et al. on the wall display of either Ritchey or Lyons. To the contrary, this would have created imagery in Ritchey and Lyons that would not have made sense to the user.

“To establish a prima facie case of obviousness, . . . there must be a reasonable expectation of success.” This requirement is also not met. The claim requires the elements to “cooperate to form a seamless and integrated scene.” If the teachings of Ritchey, Ohshima et al. and Lyons were combined, as urged by the Examiner, the real object in the scene would both directly visible and televised on the wall display. This would be anything but “seamless and integrated.”

Claims 2-23 and 29 are dependent upon claim 1 and thus are also not rendered unpatentable over Ritchey in view of Ohshima et al. (U.S. 2003/0032484) and Lyons.

Claim 5 also requires a wall of the structure to display the image of wallpaper. The Examiner states that this would have been obvious, but cites no prior art to support this contention. Applicant does not agree that it was obvious and asks the Examiner to cite relevant prior art should the Examiner continue to assert this position.

Claim 6 also requires a real, operable door to be positioned in front of the wall display. The Examiner states that this would have been obvious, but cites no prior art to support this contention. Applicant does not agree that it was obvious and asks the Examiner to cite relevant prior art should the Examiner continue to assert this position.

Claim 7 also requires a real, window to be positioned in front of the wall display. The Examiner states that this would have been obvious, but cites no prior art to support this contention. Applicant does not agree that it was obvious and asks the Examiner to cite relevant prior art should the Examiner continue to assert this position.

Claim 8 also requires a real, window that can be opened or closed to be positioned in front of the wall display. The Examiner states that this would have been obvious, but cites no prior art to support this contention. Applicant does not agree that it was obvious and asks the Examiner to cite relevant prior art should the Examiner continue to assert this position.

Claim 9 also requires a real, window that can be opened or closed and that has operable shutters to be positioned in front of the wall display. The Examiner states that this would have been obvious, but cites no prior art to support this contention. Applicant does not agree that it was obvious and asks the Examiner to cite relevant prior art should the Examiner continue to assert this position.

Claim 10 also requires a scene behind the structure to be displayed in a window or door opening. The Examiner states that this would have been obvious, but cites no prior art to support this contention. Applicant does not agree that it was obvious and asks the Examiner to cite relevant prior art should the Examiner continue to assert this position.

Claim 13 also requires the images to be delivered in real time from a real environment. This feature allows users in physically-separated locations to interact virtually with one another in real time, while still benefiting from a real world object in their presence. Applicants respectfully disagree that this feature is disclosed in Ritchey. The fact that Ritchey may capture an image from a real environment is not the same as displaying these images in real time. Indeed, Ritchey appears to teach away from this concept by teaching that the captured image should be recorded.

Claim 18 also requires the structure, display and real objects to cooperate to create the environment of a building having a plurality of rooms. The Examiner states that this would have been obvious, but cites no prior art to support this contention. Applicant does not agree that it was obvious and asks the Examiner to cite relevant prior art should the Examiner continue to assert this position.

Claim 19 also requires the structure, display and real objects to cooperate to create the environment of an alleyway. Applicant disagrees that the disclosure in Ohshima et al. of a car anticipates this element. Ohshima et al. do not appear to say that the car is in an alleyway or that the environment should be that of an alleyway.

Claim 22 requires the delivery of matter or energy by a device other than a display and for this to be controlled as a function of interaction between the individual and the scene. The fact that Lyons may disclose sound effects is not the same. The Examiner also admits on page 12

that the cited references do not disclose the computer-controlled sensory generator that is also required by this claim.

Claim 29 requires stereoscopic images. As explained above, the head mounted display in Ritchey is not usable in connection with the room-like system in Figure 32 on which the Examiner relies for the rejection of claim 1, the claim on which claim 29 depends. The combination of the two, therefore, cannot be obvious.

The Examiner has rejected claims 21, 24, 26, and 28 under 35 U.S.C. 103(a) as being unpatentable over Ritchey in view of Ohshima et al., and Lyons, as applied to claim 1, and further in view of Latypov et al. (US 6,563,489). Applicant respectfully disagrees and requests reconsideration. Claims 21, 24, 26, and 28 are dependent upon claim 1. They are not obvious in view of the four cited references for all of the reasons stated above in connection with claim 1. To be sure, not even the Examiner contends that Latypov et al. make up for any of the deficiencies that are discussed above.

The Examiner has rejected claims 21, 24, and 25 under 35 U.S.C. 103(a) as being unpatentable over Ritchey in view of Ohshima et al., and Lyons, as applied to claim 1, and further in view of Tanide et al. (US 6,201,516). Applicant respectfully disagrees and requests reconsideration. Claims 21, 24, and 25 are dependent upon claim 1. They are not obvious in view of the four cited references for all of the reasons stated above in connection with claim 1. To be sure, not even the Examiner contends that Tanide et al. make up for any of the deficiencies that are discussed above.

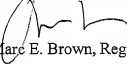
The Examiner has rejected claims 21 and 27 under 35 U.S.C. 103(a) as being unpatentable over Ritchey in view of Ohshima et al., and Lyons, as applied to claim 1, and further in view of Dowling et al. (US 2003/0057884). Applicant respectfully disagrees and requests reconsideration. Claims 21 and 27 are dependent upon claim 1. They are not obvious in view of the four cited references for all of the reasons stated above in connection with claim 1. To be sure, not even the Examiner contends that Dowling et al. make up for any of the deficiencies that are discussed above.

CONCLUSION

For the foregoing reasons, this application is now deemed to be in condition for allowance and early notice of the same is earnestly requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 501946 and please credit any excess fees to such deposit account, referencing attorney docket no. 28080-109.

Respectfully submitted,
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